

AFFIDAVIT OF SERVICE

**UNITED STATES DISTRICT COURT
Western District of Texas**

Case Number: 1:22-CV-00835-LY

Plaintiff:

DR. ANDREW K. FOX

vs.

Defendant:

CITY OF AUSTIN AND JOEL G. BAKER, IN HIS INDIVIDUAL CAPACITY

Received these papers on the 6th day of September, 2022 at 3:30 pm to be served on CITY OF AUSTIN care of its City Clerk, MYRNA RIOS, 301 W. Second Street, Suite 2030, Austin City Hall, Austin, Travis County, TX 78701.

I, Jeff Keyton, being duly sworn, depose and say that on the 7th day of September, 2022 at 9:13 am, I:

delivered a true copy of this **Summons in a Civil Action together with Complaint, Civil Cover Sheet, and attached Exhibits** to CITY OF AUSTIN by delivering in hand to, **ERIKA BRADY, Deputy City Clerk**, at the address of **301 W. Second Street, Suite 2030, Austin City Hall, Austin, Travis County, TX 78701**, having first endorsed upon such copy of such of such process the date of delivery.

I certify that I am approved by the Judicial Branch Certification Commission, Misc. Docket No. 05-9122 under rule 103, 501, and 501.2 of the TRCP to deliver citations and other notices from any District, County and Justice Courts in and for the State of Texas. I am competent to make this oath; I am not less than 18 years of age, I am not a party to the above-referenced cause, I have not been convicted of a felony or a crime of moral turpitude, and I am not interested in the outcome of the above-referenced cause.

Subscribed and Sworn to before me on the 7th day of September, 2022 by the affiant who is personally known to me.



Jeff Keyton
PSC-735, Exp 7/31/2024

Our Job Serial Number: THP-2022004900
Ref: 2490355


NOTARY PUBLIC





AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
 on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

**RETURN / AFFIDAVIT
 PROOF / ATTACHED**

*Server's signature*_____
*Printed name and title*_____
Server's address

Additional information regarding attempted service, etc:

CERTIFICATE OF SERVICE

I hereby certify that on the 3rd day of October, 2022, I electronically filed the foregoing document with the Clerk of Court using the ECF system which will send notification of such filing to all counsel of record who are registered users of the ECF system.

By: s/ Henry W. Frampton, IV

Henry W. Frampton, IV
South Carolina Bar No. 75314*
Alliance Defending Freedom
15100 N. 90th Street
Scottsdale, AZ 85260
Telephone: 480-444-0020
hframpton@ADFlegal.org

Attorney for Plaintiff

* Admitted *Pro Hac Vice*

AFFIDAVIT OF SERVICE

**UNITED STATES DISTRICT COURT
Western District of Texas**

Case Number: 1:22-CV-00835-LY

Plaintiff:

DR. ANDREW K. FOX

vs.

Defendant:

CITY OF AUSTIN AND JOEL G. BAKER, IN HIS INDIVIDUAL CAPACITY


Received these papers on the 6th day of September, 2022 at 3:30 pm to be served on **JOEL G. BAKER IN HIS INDIVIDUAL CAPACITY, care of CITY OF AUSTIN FIRE DEPARTMENT, 4201 Ed Bluestein Blvd., Austin, Travis County, TX 78721.**

I, Jeff Keyton, being duly sworn, depose and say that on the **7th day of September, 2022 at 1:35 pm, I:**

delivered in hand to **JOEL G. BAKER, Fire Chief of Austin**, a true copy of the **Summons in a Civil Action together with Complaint, Civil Cover Sheet, and attached Exhibits**, at **Austin City Hall, 301 W. 2nd, Lobby, Austin, Travis County, TX 78701**, having first endorsed thereon, the date of delivery.

I certify that I am approved by the Judicial Branch Certification Commission, Misc. Docket No. 05-9122 under rule 103, 501, and 501.2 of the TRCP to deliver citations and other notices from any District, County and Justice Courts in and for the State of Texas. I am competent to make this oath; I am not less than 18 years of age, I am not a party to the above-referenced cause, I have not been convicted of a felony or a crime of moral turpitude, and I am not interested in the outcome of the above-referenced cause.

Subscribed and Sworn to before me on the 7th day of September, 2022 by the affiant who is personally known to me.


Jeff Keyton
PSC-735, Exp 7/31/2024

Our Job Serial Number: THP-2022004899
Ref: 2490337


NOTARY PUBLIC



AO 440 (Rev. 06-12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Western District of Texas

Dr. Andrew K. Fox,

Plaintiff(s)

v.

City of Austin and Joel G. Baker, in his individual
capacity,

Defendant(s)

Civil Action No. 1:22-cv-00835-LY

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Joel G. Baker, in his individual capacity
c/o City of Austin Fire Dept.
4201 Ed Bluestein Blvd.
Austin, TX 78721

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney,

whose name and address are: Hillary K. Lynch
Platt Cheema Richmond PLLC
1201 N. Riverfront Blvd., Suite 150
Dallas, TX 75207

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Philip J. Devlin

CLERK OF COURT

Date: 08/19/2022

Philip J. Devlin
Signature of Clerk or Deputy Clerk



AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

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 on *(date)* _____, and mailed a copy to the individual's last known address; or

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☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

**RETURN / AFFIDAVIT
 PROOF / ATTACHED**

Printed name and title

Server's address

Additional information regarding attempted service, etc:

CERTIFICATE OF SERVICE

I hereby certify that on the 3rd day of October, 2022, I electronically filed the foregoing document with the Clerk of Court using the ECF system which will send notification of such filing to all counsel of record who are registered users of the ECF system.

By: s/ Henry W. Frampton, IV

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Attorney for Plaintiff

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